

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47778 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- FESHAR District- Aurangabad

Manoj Kumar Singh @ Manoj Kumar @ Manoj Singh, male, aged about 35 years, son of Rajendra Prasad Singh, resident of Village- Rampur, P.S.- Badem, Dist- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Feshar P.S. Case No. 60 of 2022 dated 01.05.2022, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioner and other co-accused is of assaulting on the head of the informant's elder son, namely, Pawan Kumar by spear, sword and gun due to which, the informant's son injured.

4. Learned counsel for the petitioners submits that the petitioners are innocent and he has been falsely implicated in this case due to land dispute. It is further submitted that the



petitioner went the in-laws' house on 27.04.2022 for attending the marriage ceremony of his sister-in-law. Further, Tilak ceremony was scheduled on 27.04.2022 and marriage was scheduled on 02.05.2022 and the date of occurrence was alleged on 29.04.2022. Accordingly, the alleged allegation of construction of stairs and boundary wall is imaginary. It is also submitted that on 28.04.2022, his brother-in-law, namely, Rupesh Kumar was constructing stairs and boundary wall of his house and one neighbour, namely, Birendra Kumar Singh has forcibly stopped work and assaulted to his brother-in-law and his family members. Thereafter his brother-in-law, namely, Rupesh Kumar lodged an F.I.R. against Birendra Kumar Singh *vide* Feshar P.S. Case No. 59 of 2022 under Sections 307, 147, 341, 323, 324, 504, 506 and 34 of the Indian Penal Code. From perusal of the F.I.R., it appears that the specific allegation against the petitioner, Suraj Kumar and Rupesh Kumar, who were armed with spear, sword and gun assaulted to his son, namely, Pawan Kumar and his son injured but the injury report shows that the injury of Pawan Kumar is simple in nature. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Feshar P.S. Case No. 60 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad subject to condition as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

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